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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

YUKSEL et al

Serial No. 09/986,124

Filed: November 7, 2001

For: EXPANDABLE FOAM-LIKE BIOMATERIALS AND METHODS

Atty. Ref.: 1577-164

Group: 3731

Examiner: Unknown

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MAR - 7 2002

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Assistant Commissioner for Patents
Washington, DC 20231

Sir:

**EXCLUSIVE SUBSTITUTE POWER OF ATTORNEY
AND EXCLUSIVE PROSECUTION HEREAFTER BY
ASSIGNEE UNDER 37 C.F.R. §§ 1.36, 3.71 AND 3.73**

CryoLife, Inc., being the owner of all right, title and interest in the above-identified patent application, hereby revokes all previous powers of attorney in this case, if any, and hereby appoints Nixon & Vanderhye, P.C., 1100 North Glebe Rd., 8th Floor, Arlington, Virginia 22201-4714, telephone number (703) 816-4000, facsimile number (703) 816-4100, and the following attorneys thereof (of the same address) individually and collectively its attorneys to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith, and with the resulting patent: Larry S. Nixon, 25640; Arthur R. Crawford, 25327; James T. Hosmer, 30184; Robert W. Faris, 31352; Richard G. Besha, 22770; Mark E. Nusbaum, 32348; Michael J. Keenan, 32106; Bryan H. Davidson, 30251; Stanley C. Spooner, 27393; Leonard C. Mitchard, 29009; Duane M. Byers, 33363; Jeffry H. Nelson, 30481; John R. Lastova, 33149; H. Warren Burnam, Jr. 29366; Mary J. Wilson, 32955; J. Scott Davidson, 33489; Alan M.

Kagen, 36178; Robert A. Molan, 29834; B. J. Sadoff, 36663; James D. Berquist, 34776; Updeep S. Gill, 37334; Michael J. Shea, 34725; Donald L. Jackson, 41090; Michelle N. Lester, 32331; Frank P. Presta, 19828; Joseph S. Presta, 35329; Joseph A. Rhoa, 37515; Raymond Y. Mah, 41426; Chris Comuntzis, 31097; Gary T. Tanigawa, 43180.

CryoLife, Inc. also authorizes Nixon & Vanderhye to delete any attorney names/numbers no longer with the firm and to act and rely solely on instructions communicated from the person, attorney, firm or other organization sending instructions to Nixon & Vanderhye on behalf of the owner.

Certificate Under 37 C.F.R. §3.73(b)

CryoLife, Inc., a corporation having a place of business at 1655 Roberts Boulevard, Kennesaw, Georgia 30144 states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors to the aforesaid assignee, a copy of the assignment being attached.

The undersigned (whose title is typed below) is empowered to sign this statement on behalf of CryoLife, Inc..

CryoLife, Inc.

2/1/02 By: Kirby S. Blach
Date Name: Kirby S. Blach
Title: Sr. Vice President,
Research & Development

COPY

1577-164

ASSIGNMENT FOR PATENT APPLICATION
(All Rights)

WHEREAS, K. Ümit YÜKSEL, Ana T. BIRD and Kirby S. BLACK (hereinafter ASSIGNORS) of 4308 Edgewater Drive, Kennesaw, Georgia 30144; 4839 Lake Park Lane, Achworth, Georgia 30101; and 1371 Peppergrass Trail, Achworth, Georgia 30101; respectively, have invented a certain improvement in EXPANDABLE FOAM-LIKE BIOMATERIALS AND METHODS for which a so-entitled Provisional Application for Letters Patent of the United States was filed in the United States Patent and Trademark Office on November 7, 2001 under Serial No. _____; (Attorney Docket No. 1577-164)

WHEREAS, CryoLife, Inc. (hereinafter ASSIGNEE), a corporation having an office and place of business at 1655 Roberts Boulevard, Kennesaw, Georgia 30144 is desirous of acquiring an interest therein;

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the said ASSIGNORS by these presents hereby sell, assign, and transfer unto the said ASSIGNEE, its successors, assigns, and legal representatives, ASSIGNORS' entire right, title and interest in the United States of America and all foreign countries, in and to the invention as described in the aforesaid application, and to the said application and to all subsequent applications based thereon including any and all continuations, divisions, reissues, and substitutes of said application, and all resulting patents, together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention Relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States of America adheres; and the ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to ASSIGNEE, for its interest as ASSIGNEE, its successors, assigns, and legal representatives. It is understood and agreed that ASSIGNEE'S attorneys Nixon & Vanderhye P.C. have represented only ASSIGNEE and will continue to represent only ASSIGNEE with respect to this invention;

ASSIGNORS hereby agree to transfer a like interest upon request of said ASSIGNEE, its successors, assigns, and legal representatives, and without further remuneration, in and to any improvements, and applications for patents based thereon, growing out of or related to the said invention;

ASSIGNORS hereby agree to execute any papers by ASSIGNEE, its successors, assigns, and legal representatives, deemed essential to ASSIGNEE'S full protection and title in and to the invention hereby transferred;

ASSIGNORS hereby agree, upon request of ASSIGNEE, and without further remuneration, to execute any and all papers desired by ASSIGNEE, for the filing and granting of foreign applications and the perfecting of title thereto in ASSIGNEE; and

ASSIGNORS hereby authorize and request Nixon & Vanderhye, PC to insert hereon any further identification necessary or desirable for recordation of this document.

AGREED and executed as noted below:

14 NOV 2001
Date

K. Ümit YÜKSEL
K. Ümit YÜKSEL

Witnessed by:

Sandra M. MacLennan
Name:

11/14/01
Date:

Assignment

Atty. Dkt. No. 1577-164

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11/14/01

Date

Ana T. Bird

Ana T. BIRD

Witnessed by:

Sandra Mancini

Name:

11/14/01

Date:

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Date

Kirby S. Black

Kirby S. BLACK

Witnessed by:

Sandra Mancini

Name:

11/14/01

Date: